

1 **WO**

2  
3  
4  
5  
6 **IN THE UNITED STATES DISTRICT COURT**  
7 **FOR THE DISTRICT OF ARIZONA**  
8

9 Mark E Stuart, et al.,

10 Plaintiffs,

11 v.

12 City of Scottsdale, et al.,

13 Defendants.  
14

No. CV-21-01917-PHX-DJH

**ORDER**

15 Plaintiffs Mark and Virginia Stuart (“Plaintiffs”) have filed an Amended Second  
16 “Request to Exceed the Page Limitations of LRCiv 7.2(e) and File a Twenty-four (24) Page  
17 Response to Defendants Motion to Dismiss” (Doc. 63).<sup>1</sup> Plaintiffs lodged their proposed  
18 Response (Doc. 64), which contains a five-page statement of facts and eighteen pages of  
19 legal analysis. Plaintiffs represent they “have made every effort to make their response as  
20 short as possible. However, under the current page limit, Plaintiff[s are] unable to present  
21 its arguments in sufficient detail to permit their full and careful consideration.”  
22 (Doc. 63 at 3). Defendants oppose Plaintiffs’ request, arguing that this Court has  
23 previously denied Plaintiffs’ first request for excess pages should do same as to their  
24 second request. (Doc. 65 at 1 (citing Doc. 31)).<sup>2</sup>

25  
26 <sup>1</sup> The matter is fully briefed. Defendants filed a Response (Doc. 65) and Plaintiffs filed a  
Reply (Doc. 66).


27 <sup>2</sup> Defendants also argue Plaintiffs’ lodged proposed Response is improper because,  
28 contrary to Federal Rule of Civil Procedure 12(d), they seek to rely on matters outside of  
the pleadings. (Doc. 65 at 2). However, such arguments go to the merits of Plaintiffs’  
lodged proposed Response and should be made in Defendants’ reply brief.

1 Local Rule of Civil Procedure 7.2 provides a response to a motion may not exceed  
2 seventeen pages. LRCiv 7.2(e)(1). In its June 29, 2022, Order (Doc. 31), the Court denied  
3 Plaintiffs first request for thirty-five pages for a response to a motion to dismiss—i.e., an  
4 extra eighteen pages—under Local Rule 7.2 and held Plaintiffs to the seventeen-page limit.  
5 Here, however, the Court finds Plaintiffs’ request for an extra seven pages is reasonable  
6 given Plaintiffs’ representations that they must address abstention, claim, and issue  
7 preclusion doctrines and “do not have the skill or knowledge to respond to defendants  
8 arguments with fewer pages.” (Doc. 63 at 3). Plaintiffs add that they “don’t understand  
9 jurisdictional factual issues, so they need extra pages to be certain that they have covered  
10 all of the correct bases.” (*Id.*) Because the Court finds a seven-page extension is reasonable  
11 under these circumstances,

12 **IT IS ORDERED** that Plaintiffs’ Amended Second “Request to Exceed the Page  
13 Limitations of LRCiv 7.2(e) and File a Twenty-four (24) Page Response to Defendants  
14 Motion to Dismiss” (Doc. 63) is **GRANTED**. The Clerk is kindly directed to file the  
15 Response currently lodged at Doc. 64.

16 **IT IS FINALLY ORDERED** that, in accordance with Local Rule of Civil  
17 Procedure 7.2(d), Defendants may reply to Plaintiffs’ Lodged Response (Doc. 64) within  
18 seven (7) days of the issuance of this Order.

19 Dated this 1st day of May, 2024.

20  
21  
22   
23 Honorable Diane J. Humetewa  
24 United States District Judge  
25  
26  
27  
28